

there is no reasonable necessity on the circumstances that would warrant the use of anticipatory self-defense.

Verily, like the prohibition on the use of force, the principle of “self defense” is likewise explicitly established in the UN charter. However, such cannot be used to shelter unlawful acts and justify flagrant violation of international law.

A state is obliged to act according to the international agreements it has ratified. Thus, if the Russian attacks do not fall under the principle of self-defense, it would qualify as an “internationally wrongful act” under the law on State Responsibility because of its blatant violation of the UN Charter and customary international law prohibition on the use of force.⁷



Russia's attack on Ukraine is really an obvious violation of international law. No credible proof was ever presented by Russia to justify its defenses as regards its compliance to Article 51 of the UN Charter.

Should Russia believe that its defenses hold weight, it should have brought the subject matter before the UN considering that it is one of the permanent members of the UN Security Council. However, Russia may have other interests and agendas regarding its attack against Ukraine that's why it went beyond the unimaginable.

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² ALJAZEERA, “Smells of genocide: How Putin justifies Russia's war in Ukraine, March 9, 2022, available at <https://www.aljazeera.com/news/2022/3/9/smells-of-genocide-how-putin-justifies-russias-war-in-ukraine> (last visited March 19, 2024)

³ UN Security Council, Purposes and Principles of the UN (Chapter I UN Charter) available at <https://www.un.org/securitycouncil/> (last visited March 15, 2024)

Photo by: Anatolii Stepanov

⁴ John B. Bellinger III, PBS News Hour, How Russia's attack on Ukraine violates international law, March 4, 2022, available at <https://www.pbs.org/newshour/world/how-russias-attack-on-ukraine-violates-international-law> (last visited March 19, 2024)

⁵ MAX-PLANCK-INSTITUT, World Court Digest, available at https://www.mpil.de/de/pub/publikationen/archiv/world-court-digest.cfm?fuseaction_wcd=akt-dat&akt-dat=106020000100.cfm#:~:text=There%20is%20no%20rule%20in,own%20assessment%20of%20the%20situation (last visited March 19, 2024) – Part 1, April 29, 2022, available at <https://dailyjus.com/world/2022/04/implications-of-the-war-in-ukraine-under-international-law-the-use-of-force-under-international-law> (last visited March 19, 2024)

⁶ Jus Mundi, DAILY JUS, Implications Of The War In Ukraine Under International Law

⁷ Michael N. Schmitt, Russia's “Special Military Operation” and the (Claimed) Right of Self-Defense, February 28, 2022, available at <https://lieber.westpoint.edu/russia-special-military-operation-claimed-right-self-defense/> (last visited March 17, 2024)

INTERNATIONAL LAW

Arab-Israeli Normalization: Could it have triggered the Oct. 7, 2023, Hamas attack?

by Kevin James Oledan

It is the opinion of the writer that the Arab-Israeli Normalization may have triggered the Hamas attack on October 7, 2023. To understand the reason underlying this proposition, we must revisit the events that unfolded over a century ago, now known as the Palestine-Israel conflict originating from the rise of Zionism in Europe and the arrival of Jewish settlers to Ottoman-Palestine in the late 19th and early 20th centuries.¹

In 1917, the Balfour Declaration by Britain's then-foreign secretary, Arthur Balfour, was written as a letter addressed to Lionel Walter Rothschild, a figurehead of the British Jewish community. It promised the Zionist movement the establishment of a country, in a place where Palestinian Arab natives made up more than 90 percent of the population.² This promise was made without consulting the Arab settlers in Palestine at that time, and because of this, it is not hard to imagine how the conflict started. Included in the many conflicts is the Arab revolt in the early 1930s where many Arab nationalist militants from across the middle east banded together but suffered a bloody defeat against the British armed forces in Israel.

Decades later, the 1947 United Nations Partition Plan for Palestine triggered the 1948 Palestine war, which saw the expulsion and flight of most Palestinian Arabs, the establishment of Israel on most of the Mandate's territory.³ The conflict has

claimed many civilian casualties, mostly Palestinian, since its inception. Various attempts have been made to resolve the conflict as part of the Israeli–Palestinian peace process, alongside efforts to resolve the broader Arab–Israeli conflict.⁴

In 2007, Hamas, found itself in power and governance of the Gaza Strip. This was immediately followed by an Israeli blockade of the Gaza Strip with Egyptian support, and multiple wars with Israel. Hamas is known for its adamant non-recognition of Israel, although this is not explicitly provided in their Charter, its other provisions implicitly support the notion. In its revised 2017 Charter, Hamas strove for the “complete liberation of Palestine, from the river to the sea⁵” or from the River Jordan in the east to the Mediterranean in the west and also in its Charter it defined further the extent of territory of Palestine, “from Ras Al Naqurah in the north to Umm Al-Rashrash in the south”, i.e. the entirety of Israel, the Gaza Strip, and the West Bank.⁶ These claims further strengthen its views of non-recognition of Israel.

Hamas, claiming Palestine as an Arab state and asserting that the Gaza Strip, West Bank, and the entirety of Israel constitute Palestine, may have a desire for similar recognition from other Arab nations. Iran, for one, has been openly supporting Hamas. The Islamic Republic of Iran is a key patron of the Palestinian militant organization Hamas, which has controlled the Gaza Strip since 2006. Iran provides Hamas with funds, weapons, and training.⁷ If for instance, it could gain support from more Arab countries, its goals will have been more attainable.

This is where the Arab-Israeli Normalization comes into the picture. Over the years, numerous Arab League countries have signed peace and normalization treaties with Israel, beginning with the Egypt–Israel peace treaty (1979)⁸, the Israel–Jordan peace treaty (1994)⁹, the Abraham Accords normalizing relations between Israel–United Arab Emirates and Israel–Bahrain (2020)¹⁰, the Israel–Sudan normalization agreement (2020)¹¹ and the Israel–Morocco normalization agreement (2020)¹². Moreover, numerous Arab League members established semi-official relations with Israel.

While acknowledging the genuine suffering of the Palestinians in Gaza is reason enough to fight against Israel, Hamas cannot deny that the attack was greatly influenced by the acceleration of Arab-Israeli normalization. Hamas may have felt pressured that if a Saudi-Israeli normalization deal had been concluded, it would have been a turning point in the Arab-Israeli conflict, which may have eliminated the already weak chances of a two state solution.¹³ and they would lose all hope of obtaining the backing of the Saudi Arabian government.

Indiscriminate killing of innocent people, cannot be justified, not Hamas’ attack, nor Israel’s overwhelming retaliation, devastating, and flattening cities in the Gaza Strip, through carpet bombing which they would append with the dehumanizing term “mowing the grass¹⁴” from which Palestinian casualties have exceeded 30,000, with 70,000 injured.¹⁵

Hamas, committed the attack against Israel, but who are suffering in their stead? From the outset and even preceding the attack on the Gaza Strip, the Palestinian people endured profound suffering, and it unfortunately persists to this day.

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